

3355

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 - - - - - X
4 UNITED STATES OF AMERICA, : 11-CR-005(SLT)
5 Plaintiff , :
6 -against- : United States Courthouse
7 BARTOLOMEO VERNACE, : Brooklyn, New York
8 Defendant. : April 16, 2013
9 : 9:30 o'clock a.m.
10 - - - - - X

11 TRANSCRIPT OF TRIAL
12 BEFORE THE HONORABLE SANDRA L. TOWNES
13 UNITED STATES DISTRICT JUDGE, and a jury.

14 APPEARANCES:

15 For the Government: LORETTA LYNCH
16 United States Attorney
17 BY: EVAN M. NORRIS
18 AMIR TOOSI
19 KRISTIN MACE
Assistant United States Attorneys
271 Cadman Plaza East
Brooklyn, New York

20 For the Defendant: CHARLES F. CARNESI, ESQ.
21 1225 Franklin Avenue
22 Garden City, New York 11530

23 JOSEPH DiBENEDETTO, ESQ.
24 233 Broadway
25 New York, New York 10270

CMH

OCR

RMR

CRR

FCRR

3356

1 Also Present: Special Agent Paul Tambrino
2 Special Agent Jeffrey Tarklin
Paralegal Shernita Moore

3 Court Reporter: Charleane M. Heading
4 225 Cadman Plaza East
5 Brooklyn, New York
(718) 613-2643

6 Proceedings recorded by mechanical stenography, transcript
7 produced by computer-aided transcription.

8
9
10 * * * * *

11
12
13
14 (In open court; outside the presence of the jury.)

15 THE CLERK: Criminal cause for trial. Docket number
16 11-CR-005. The United States of America versus Bartolomeo
17 Vernace.

18 Counsel, please state your names for the record.

19 MR. TOOSSI: Amir Toossi, Kristin Mace and Shernita
20 Moore for the government. Good morning, Your Honor.

21 THE COURT: Good morning.

22 MR. CARNESI: Good morning, Your Honor. Charles
23 Carnesi and Joseph DiBenedetto for Mr. Vernace.

24 THE COURT: Good morning. Have a seat, please.

25 I have a note we've marked as Court Exhibit W.

1 We need a computer tech to operate the computer.

2 You know, I don't know what they're asking for, if
3 they need somebody to start it or they want somebody in there
4 with them which isn't going to happen. They'll have to come
5 out here.

6 Should I bring them out and ask them what they need
7 or should I send someone in to start it?

8 MR. CARNESI: Judge --

9 THE COURT: Let me start with the government.
10 What's your position?

11 MR. TOOSSI: I think we can just send somebody in to
12 help them start it. If that's not sufficient for them, they
13 can send out another note.

14 THE COURT: Yes.

15 MR. CARNESI: I'm fine with that, Judge. It's my
16 understanding that the courtroom deputy is going take the
17 technician in the room and stay with the technician while the
18 work is being done.

19 THE COURT: Okay.

20 MR. CARNESI: Under those circumstances, I don't
21 have a problem with it.

22 THE COURT: All right. So we'll do that then.

23 THE CLERK: Okay.

24 THE COURT: We'll get him to come up.

25 THE CLERK: Yes, Judge.

1 He's on his way up, Judge.

2 THE COURT: If they need more, we'll bring them out.

3 THE CLERK: Yes, Judge.

4 (Pause.)

5 THE CLERK: They're all set, Judge. They got it
6 going.

7 THE COURT: All right. They're set.

8 (Court is in recess awaiting verdict of the jury.)

9 (Continued on next page.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (In open court; outside the presence of the jury.)

2 THE COURT: All right. I have a note which we've
3 marked Court Exhibit X signed by the foreperson.

4 May we have all entered evidence provided by
5 defense.

6 I'm assuming they're talking about exhibits.

7 MR. CARNESI: I would think so. That's the way I
8 read it, Judge, entered.

9 MR. TOOSSI: We would read it the same way.

10 MR. CARNESI: It would be just be stipulations, I
11 guess.

12 THE COURT: Stipulations and the Gambina cooperation
13 agreement.

14 MR. CARNESI: Right.

15 MR. TOOSSI: Correct.

16 THE COURT: And the stipulations. I don't have
17 anything else.

18 MR. CARNESI: Correct, Judge. Everything else was
19 testimony.

20 MR. TOOSSI: And we have Vernace A through F here.

21 THE COURT: You put it in a binder?

22 MR. CARNESI: They have the budget.

23 THE COURT: No, they don't.

24 MR. CARNESI: Small as it may be.

25 MR. TOOSSI: If you're surprised by the binder and

1 the quickness of our redactions, that is all Ms. Moore.

2 THE COURT: Okay. So we'll have Ms. Frullo take it
3 in.

4 MR. CARNESI: Thank you.

5 MR. TOSSSI: No objection.

6 THE COURT: Okay. All right.

7 (Court is in recess awaiting verdict of the jury.)

8 (Continued on next page.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3361

1 (In open court; outside the presence of the jury.)

2 THE COURT: All right. The defendant is present and
3 counsel.

4 I have a note that we didn't put on the record,
5 Court Exhibit Y.

6 May we see signed photo arrays. I'm presuming these
7 are Exhibit Nos. 120A, 120B and 120C. And it's signed by the
8 foreperson.

9 It's my understanding that the parties agreed and we
10 sent those in to the jury already. Correct?

11 MR. NORRIS: That's correct.

12 MR. CARNESI: That's correct, Your Honor.

13 THE COURT: So, you know, it's four minutes until
14 5:00. I am going to excuse the jury without bringing them
15 back in and we'll start tomorrow morning at 9:30 again.

16 All right. Thank you. We're adjourned.

17 MR. NORRIS: Thank you, Your Honor.

18 MR. CARNESI: Thank you.

19 (Matter adjourned to April 17, 2013 at 9:30 a.m.)
20
21
22
23
24
25